

STATEMENT OF SCOPE

MEDICAL EXAMINING BOARD

Rule No.: 165-MED 13.06

Relating to: Continuing Education Audit

Rule Type: Permanent

**This amended State of Scope replaces the
Statement of Scope submitted to the Governor on July 19, 2013**

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

The objective of this proposed rule is to empower the Medical Examining Board (Board) with the ability to conduct continuing education audits of its licensees on a biennial basis. The Board also seeks to increase the number of years a licensee must maintain evidence of continuing education requirements from 2 years to 4 years.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Currently, the Medical Examining Board may conduct an audit of continuing education at any time. However, there is no requirement as to when an audit must take place. The proposed rule would insure that an audit of continuing education credits would be conducted every two years. The audit would verify whether licensees had completed the 30 hours of required continuing education during the 2 calendar years preceding the calendar year for which application for registration was made. The proposed rule may include other amendments as necessary based on changes to s. Med 13.06.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 227.11 (2), Stats., discusses the parameters of an agency's rule-making authority stating an agency, "may promulgate rules interpreting the provisions of any statute enforced or administered by it, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if it exceeds the bounds of correct interpretation." Section 227.01(1), Stats., defines agency as a board. The Medical Examining Board falls within this definition. Therefore, the Board may promulgate administrative rules which interpret the statutes it enforces or administers as long as the proposed rule does not exceed proper interpretation of the statute.

Section 448.13 (1m), Stats provides that, "[t]he board shall, on a random basis, verify the accuracy of proof submitted by physicians under sub. (1) (a) and may, at any time during the 2 calendar years specified in sub. (1)(a), require a physician to submit proof of any continuing education, professional development, and maintenance of certification or performance improvement or continuing medical education programs or course of study that he or she has attended and completed at that time during the 2 calendar years." This statute dictates that the accuracy of evidence of continuing education must be verified. Therefore, the Board is authorized to promulgate rules that will carry out the purpose of this statute.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

State employees will spend approximately 50 hours developing the proposed rule.

6. List with description of all entities that may be affected by the proposed rule:

Wisconsin licensed physicians will be affected by this proposed rule.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

There are no comparable existing or proposed federal regulations dealing with this issue.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

This rule is not likely to have a significant economic impact on small businesses.

Contact Person: Shawn Leatherwood

Authorized Signature

Date